

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

TANYA ANDREWS,

Plaintiff,

VS.

RELIANCE STANDARD LIFE  
INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO. 1:22-cv-434-TFM-N

## ORDER

Pending before the Court is the *Joint Stipulation of Dismissal*. Doc. 15, filed March 20, 2023. The parties state they agree and stipulate Plaintiff Tanya Andrews’s claim pursuant to 29 U.S.C. § 1332(a) to recover and reinstate an ERISA-governed benefit against Defendant Reliance Standard Life Insurance Company is moot, and due to be dismissed without prejudice, and Plaintiff’s claim pursuant to 29 U.S.C. § 1332(g) to recover fees, expenses, and interest against Defendant is due to be dismissed with prejudice. *Id.* The parties state each of them is to bear their own costs. *Id.* The Federal Rules of Civil Procedure permit a plaintiff to voluntarily dismiss the action without an order of the court “by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment” or “a stipulation signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A)(i)-(ii). The joint stipulation is signed by counsel for all of the parties in this matter. Doc. 15. Further, “[u]nless the notice or stipulation states otherwise, the dismissal is without prejudice.” FED. R. CIV. P. 41(a)(1)(B).

Consequently, by operation of Fed. R. Civ. P. 41, this action has been dismissed in accordance with the stipulation. Therefore, Plaintiff's claim pursuant to 29 U.S. C. § 1332(a) to

recover and reinstate an ERISA-governed benefit against Defendant is dismissed without prejudice, and Plaintiff's claim pursuant to 29 U.S.C. § 1332(g) to recover fees, expenses, and interest against Defendant is dismissed with prejudice, with costs taxed as paid.

The Clerk of the Court is **DIRECTED** to close this case.

**DONE** and **ORDERED** this the 20th day of March 2023.

s/Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE